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10/590,708	08/25/2006	Atsushi Mae	09812.0569	4506
22852	7590	04/28/2010		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER NGUYEN, HUY THANH	
			ART UNIT 2621	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/590,708

**Applicant(s)**

MAE, ATSUSHI

**Examiner**

HUY T. NGUYEN

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01/16/2010.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-20 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 3 and 7 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 3 and 7 direct to a program and a computer readable medium and the program and computer readable medium can be considered as a signal carrier. See MPEP 2100. It is suggested that "A computer readable medium" needed to be changed to -- A non-transitory computer readable medium --

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7 and 14-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamagishi et al (6,141,491).

Regarding claims 1-7, Yamagishi discloses an image playback apparatus (Figs. 3-9, column 13, 14, column 19-20) that plays back moving picture data composed of a series of groups of picture data consisting of a plurality of encoded picture data, the image playback apparatus comprising:

buffering means (50) for buffering the moving picture data;

decoding means (70) for reading out and decoding the moving picture data buffered by the buffering means;

outputting means for outputting pictures decoded by the decoding means to a subsequent stage; and

controlling means (90) for controlling the buffering means to buffer, concerning a group of picture data that is played back last during a playback operation of a fast forward, at least picture data located at the end in a playback order, and to buffer, concerning groups of picture data except for the group of picture data that is played back last during the playback operation, picture data encoded by a predetermined encoding method, controlling the decoding means to decode, concerning the group of picture data that is played back last during the playback operation, at least the picture data located at the end in the playback order, and to decode, concerning the groups of picture data except for the group of picture data that is played back last during the playback operation, the picture data encoded by the predetermined encoding method, and controlling the outputting means to output, concerning the group of picture data that is played back last during the playback operation, at least the picture data located at the end in the

playback order, and to output, concerning the groups of picture data except for the group of picture data that is played back last during the playback operation, pictures corresponding to the picture data encoded by the predetermined encoding method (Figs. 4-5, column 3, columns 19-20).

Regarding claims 11 -12,14-15 and 17-18 , Yamagishi teaches the playback order including I picture, B picture and P picture and the predetermined encoding method including a single I picture for each group(Fig. 5).

Regarding claim 13, Yamagishi teaches by not buffering the picture data (some picture data are skipped during selected playback mode ).

Regarding claim 20, Yamagishi teaches the control unit notifies the decoder to operate in an I-picture decoding mode concerning groups of picture data except for the last group of picture data, and to operate in an I/P-picture decoding mode concerning the last group of picture data (column 3).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagishi et al in view of Nagata (5,974,224).

Regarding claims 8-10, Yamagishi discloses an image playback apparatus (Figs. 3, 7-9, column 13, 14, column 19-20) that plays back moving picture data composed of a series of groups of picture data consisting of a plurality of encoded picture data, the image playback apparatus comprising:

buffering means (50) for buffering the moving picture data;

decoding means (70) for reading out and decoding the moving picture data buffered by the buffering means;

outputting means for outputting pictures decoded by the decoding means to a subsequent stage; and

controlling means (90) for controlling the buffering means to buffer, concerning a group of picture data that is played back last during a playback operation, at least picture data located at the end in a playback order, and to buffer, concerning groups of picture data except for the group of picture data that is played back last during the playback operation, picture data encoded by a predetermined encoding method, controlling the decoding means to decode, concerning the group of picture data that is played back last during the playback operation, at least the picture data located at the end in the playback order, and to decode, concerning the groups of picture data except for the group of picture data that is played back last during the playback operation, the picture data encoded by the predetermined encoding method, and controlling the outputting means to output (columns 13-14,19-20), concerning the group of picture data that is played back last during the playback operation, at least the picture data located at the end in the playback order, and to output, concerning the groups of picture data except for the group of picture data that is played back last during the playback operation, pictures corresponding to the picture data encoded by the predetermined encoding method (Figs. 4-5, column 3).

Yamagishi do not teach playback the picture data in a reverse mode.

Nagata teaches a control means for reproducing the picture data in a reverse mode (backward mode) by concerning the group of pictures and encoded pictures (Fig. 1, column 2, line 65 to column 4, line 30, and column 6, lines 39-65).

It would have been obvious to one of ordinary skill in the art to modify Yamagishi with Nitta by using a control means as taught by Nagata with Yamagishi for reproducing the recorded picture data of Yamagishi in a reverse mode thereby enhancing the capacity of the apparatus of Yamagishi for reproducing the recorded picture data with different modes.

### ***Response to Arguments***

6. Applicant's arguments filed 01/16/2010 have been fully considered but they are not persuasive.

Applicant argues that Yamagishi do not teach "concerning the group of picture except form the group of picture data that is played back last during the playback operation , picture data encoded by a predetermined encoding method in claim 1. In response, the examiner disagrees. It is noted that Yamagishi teaches during a playback operation the predetermined encoded method picture data (I picture data ) of each group of picture are buffered starting with the picture data located at the end of playback order and then the I picture data of the next group of picture are buffered. It is clear that the picture data of an I picture or predetermined encoded picture of the group of picture except for the group of picture data that is played back last during the playback operation Figs. 3-9, column 13, 14, column 19-20). Further Yamagishi teaches concerning the group of picture data and picture data encoded by the predetermine encoding method since buffering , decoding and outputting the moving picture data during playback based on the group of picture, encoded pictures and information related to group of pictures and encoded picture



to be decoded and outputted by using GOP header , and MPEG header information (Fig. 4-5, column 3). Since a plurality of groups of pictures are played during a playback operation , the last group of picture and other group pictures area decoded and outputted .

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571)272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Q. Tran can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HUY T NGUYEN/  
Primary Examiner, Art Unit 2621